

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JAMES NEUMAN,)
)
)
Plaintiff,)
)
)
v.) Case No. 07-CV-0362-MJR
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)
UNITED STATES GOVERNMENT, et al.,)
)
)
Defendants.)

ORDER

REAGAN, District Judge:

James Neuman appealed the Court's Order Imposing Sanctions (Doc. 341) against him to the Seventh Circuit on July 31, 2009. The Seventh Circuit docketed his appeal on August 3. Twenty-four days later on Aug. 27, Neuman moved for the first time that the Court allow him to proceed to his appeal *in forma pauperis*. This motion was made 10 days after Neuman's deadline to pay the required docketing fees for his appeal. ***See 7th Cir. R. 3(b) ("If a proceeding is docketed without prepayment of the docketing fee, the appellant shall pay the fee within 14 days after docketing. If the appellant fails to do so, the clerk is authorized to dismiss the appeal.")***.

The Court also notes that Neuman's motion is deficient because he has not asked for advance approval to file it. Advance approval is a pre-requisite to his filings in this case pursuant to the Court's Order (Doc. 349), which provides in pertinent part:

This Court has thoroughly explained in its recent Orders . . . that Neuman's filings regularly re-hash old grounds for relief that the Court has already resolved against him. Such filings merely harass the Court and have no place in this case. . . .

As a result, the Court **VACATES** its previous order (Doc. 117) permitting Neuman to file documents via CM/ECF as to this

case (Case No. 07-CV-0362-MJR). If Neuman wishes to file any documents in this case, he must mail them to the Clerk of Court along with a motion for leave to file the document or motion in question. . . . Failure to comply with this Court's orders . . . will result in the Court returning Neuman's documents unfiled.

Moreover, were the Court to get to the merits of Neuman's motion to proceed *in forma pauperis* the request would be denied anyway because he has sufficient funds to proceed to his appeal. His supporting declaration indicates a positive cash flow of \$2400 per month and \$400 in cash on hand.

The Seventh Circuit dismissed his appeal for failure to pay the required fees on Sept. 1. (Doc. 359.) So the record is complete, the Court now DIRECTS the Clerk of Court to docket Neuman's motion to proceed to his appeal *in forma pauperis* and DENIES the motion as moot.

IT IS SO ORDERED.

DATED this 2nd day of September, 2009.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge